IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 1159 of 2005

For Approval and Signature:

THE HON'BLE MR.JUSTICE J.R.VORA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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TANJIMBANU ,W/O.ZAFIRBEG MOGAL

versus

STATE OF GUJARAT

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Appearance :

MR IM MUNSHI for Appellants

Mr SP Hasurmer APPfor Respondent No. 1

None for Respondent No(s).: 2.

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CORAM :THE HON'BLE MR.JUSTICE J.R.VORA

Date : 21/06/2005

ORAL JUDGMENT

1. Heard learned Advocate Mr. I.M. Munshi for the appellant and learned APP Mr. S.P. Hasurker for the respondent No.1 State. ADMIT.

2. This is an Appeal preferred under Section 454 of the Code of Criminal Procedure against an judgment and order passed by learned Additional Sessions Judge, City of Ahmedabad, Court of 12, on 28th of February, 2005 in Sessions Case No. 217 of 2002.
3. The appellant, as per submission, was the only daughter of the deceased Mehrajbibi. Vide above said judgment and order, present appellant as well as other accused were acquitted by the Additional Sessions Judge. However, in Para-3 of the judgment and order impugned in this Appeal, muddamal Article Nos. 36, 40, 41, 47 and 49 were ordered to be returned to a person who establishes right over the muddamal through a civil court. The said muddamal contains ornaments of gold, etc which was seized from the cupboard of deceased Mehrajbibi.
4. Having heard learned counsels for the parties, this Appeal is allowed to the extent indicated below:

   “The final order contained in para-3 of the judgment and order impugned in this Appeal is modified in pursuance of sub-section (3) of Section 452 of the Code of Criminal Procedure to the extent that muddamal articles No. 36, 40, 41, 47 and 49 shall be delivered to the Chief Metropolitan Magistrate who shall thereupon deal with the said muddamal in the manner provided in Sections 457, 458 and 459 of the Code of Criminal Procedure.”
5. While disposaing of this Appeal, it is also directed that the Chief Metropolitan Magistrate or any other Magistrate who deals with the matter shall dispose of this inquiry within one year from the date of receipt of the writ of this Court so far as possible.
6. In view of above, this Appeal is allowed to the above extent and stands disposed of. Direct Service is permitted.

(J.R.VORA, J.)

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